



# SAFE HARBOR LEGISLATION

Growing concern over domestic sex trafficking of minors led to the enactment of Safe Harbor laws in many U.S. states. This legislation complements U.S. federal law that decriminalized prostitution for individuals under the age of 18 by reclassifying these minors as human trafficking victims.

## Why Safe Harbor?

An inability to consent to sexual activities is assumed in those under the age of 18.

Safe Harbor intends to:

- Protect minors from being treated as criminals and being arrested/charged for prostitution
- Prevent further trauma and distrust of law enforcement
- Elicit a child protection response

## What is Safe Harbor?

- Legal protection in the form of immunity or possible dismissal of charges
- Provision of services like emergency and long-term housing
- Physical, mental, educational, familial, and recreational services
- Training of all officials who may encounter minors engaged in prostitution
- Increased sentences and punishment for sex traffickers and buyers
- Funding to implement legislation and protection of minors

## What are some Critiques?

- Laws vary by state
- Most states offer limited protections to minors
- Definition of 'minor' under Safe Harbor varies
- Some states offer full immunity to all individuals under the age of 18
- Some states offer full/partial immunity to individuals under a certain age (usually 14 or 15)
- Courts have discretion over whether to bring charges or to divert minors to victim services
- Even states with full immunity report minors arrested for prostitution
- Poor implementation and lack of resources

## Who Has Enacted Safe Harbor Legislation?

As of 2015, 33 states have enacted some kind of Safe Harbor legislation:

AR, CA, CT, DE, FL, GA, IL, IA, KS, KY, LA, MD, MA, MI, MN, MS, MT, NE,  
NV, NH, NJ, NY, NC, ND, OH, OK, OR, TN, TX, UT, VT, WA, and WY

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- Polaris Project, *Polaris 2015 Safe Harbor State Statute Research*